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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,432	12/03/2001	Teodor s Akinfiev	1379-014	3735

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EXAMINER

MCANULTY, TIMOTHY P

ART UNIT PAPER NUMBER

3682

DATE MAILED: 11/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/914,432

Applicant(s)

AKINFIEV ET AL.

Examiner

Timothy P McAnulty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/31/2003 and 8/27/2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Upon reconsideration by the Examiner, the drawings filed 31 March 2003 are disapproved because they introduce new subject matter. In the final Office action mailed 28 July 2003, the Examiner indicated that corrected or substitute drawings were received on 06 May 2003 and such drawings were approved. From a review of the record, the drawings referred to in the final Office action are the drawings actually filed 31 March 2003, as part of a full response and amendment, but not entered until 06 May 2003 because the full response was non-compliant.
2. The drawings are not approved because the details as to location and connection of the spring to other elements of the transfer device are not supported in the original disclosure. The original disclosure only supports a connection "between the working element (4) and the movable links (5,6)" wherein the connection includes a spring. See original claim 5. The specification does not contain any additional features as to how the spring is incorporated into the connection or that the spring is the entire connection.
3. Accordingly, the drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the spring as claimed in claim 20 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing

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should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 20 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The details of the spring and the connections thereof to the movable links and the working element are not supported in the original disclosure.

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7. Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 23 depends from cancelled claim 5. For the purposes of this Office action, claim 23 is being treated as dependent on claim 18.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 18, 19, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Vainstock.

Vainstock discloses in figures 1-3, a two axis transfer device 10 comprising a first motor 18 connected to a first guide; a second motor 20 connected to a second guide; said first motor and said second motor mounted to a frame 12; a first link 50; a second link 52; said first link and said second link each having two extremes; and a tool 64 connected to said first link and said second link by means of a third articulation; wherein one extreme of said first link is connected by means of a first articulation to said first motor, one extreme of said second link is connected by means of a second articulation to said second motor, and said other extreme of said first link and said other extreme of said second link are connected and support said tool; and an inherent control algorithm to control the operation of said motors; wherein said first guide and said second guide limit the respective trajectories over a first straight line and a second straight line,

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wherein said first straight line and said second straight line coincide over a third straight line over which the first and second trajectories are situated; and wherein the first and second guides enable the working element to move parallel to the base when the first and second motors are actuated with the same speed and direction and enable the working element to move perpendicular to the base when the first and second motors are actuated with the same speed but in opposite directions.

10. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vainstock.

Vainstock discloses the basic apparatus as previously cited and further discloses in lines 20-27 of column 3, that a plurality of different working elements may be attached to said tool. Vainstock does not disclose the first link and the second link corresponding to certain working elements having larger lengths than the first link and the second link corresponding to other working elements. However, it would have been an obvious matter of engineering design choice to provide said first link and said second corresponding to one working element with larger lengths than a first link and a second link corresponding to a different working element, since such a modification would have merely involved a change in size of a component. A change in size of a component is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

11. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vainstock.

Vainstock discloses the basic apparatus as previously cited but does not disclose four working elements connected to the same base. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Vainstock to provide four working elements each manipulated by two links as disclosed, since it has been

held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8 (CA7 1977).

Response to Arguments

12. Applicant's arguments filed 29 September 2004 have been fully considered but they are not persuasive. The last clause of claim 18 does not specifically limit the first and second trajectories to lie within the same line. On the contrary, claim 18 merely limits the first and second guiding elements to be arranged to make the first and second straight lines coincide in a single straight line over which the trajectories of both first extremes of the first and second links are situated. Such a limitation includes an apparatus, as in Vainstock, wherein the first and second straight line trajectories coincide in a single straight line over which the respective first extremes are situated. Only the trajectories need be coincident, i.e., the actual movement of the links are not so limited. Additionally, "trajectories situated over" a respective first or second straight line do not require the actual path to be in the same line. That is, the apparatus of Vainstock, the first and second articulations each have a trajectory over a single (same) straight line (e.g. parallel to and in the same plane as both first and second guides).

Conclusion


13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy P McAnulty whose telephone number is 703.308.8684. The examiner can normally be reached on Monday-Friday (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on 703.308.3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tpm 


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